

1-1 By: Hegar S.B. No. 1870
 1-2 (In the Senate - Filed April 4, 2013; April 4, 2013, read
 1-3 first time and referred to Committee on Natural Resources;
 1-4 April 15, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 15, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16			X	
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 1870 By: Hegar

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to the creation of the West Fort Bend Water Authority;
 1-24 providing authority to issue bonds; granting the power of eminent
 1-25 domain; providing an administrative penalty.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Subtitle H, Title 6, Special District Local Laws
 1-28 Code, is amended by adding Chapter 8878 to read as follows:

1-29 CHAPTER 8878. WEST FORT BEND WATER AUTHORITY

1-30 SUBCHAPTER A. GENERAL PROVISIONS

1-31 Sec. 8878.001. DEFINITIONS. In this chapter:

1-32 (1) "Authority" means the West Fort Bend Water
 1-33 Authority.

1-34 (2) "Board" means the board of directors of the
 1-35 authority.

1-36 (3) "Commission" means the Texas Commission on
 1-37 Environmental Quality or its successor.

1-38 (4) "Director" means a member of the board.

1-39 (5) "District" means any district created under
 1-40 Sections 52(b)(1) and (2), Article III, or Section 59, Article XVI,
 1-41 Texas Constitution, regardless of the manner of creation, other
 1-42 than:

1-43 (A) a navigation district or port authority;

1-44 (B) a district governed by Chapter 36, Water
 1-45 Code; or

1-46 (C) a district that does not have the legal
 1-47 authority to supply water.

1-48 (6) "Groundwater reduction plan" means a plan adopted
 1-49 or implemented to supply water, reduce reliance on groundwater,
 1-50 regulate groundwater pumping and usage, or require and allocate
 1-51 water usage among persons in order to comply with or exceed
 1-52 requirements imposed by the Fort Bend Subsidence District or
 1-53 applicable subsidence district, including any applicable
 1-54 groundwater reduction requirements.

1-55 (7) "Large tract" means a tract of land of at least
 1-56 1,000 acres owned by a single landowner.

1-57 (8) "Local government" means a municipality, county,
 1-58 district, or other political subdivision of this state or a
 1-59 combination of two or more of those entities.

1-60 (9) "Subsidence" means the lowering in elevation of

2-1 the surface of land by the withdrawal of groundwater.

2-2 (10) "System" means a network of pipelines, conduits,
 2-3 valves, canals, pumping stations, force mains, treatment plants,
 2-4 and any other construction, device, or related appurtenance used to
 2-5 treat or transport water.

2-6 (11) "Water" includes:

2-7 (A) groundwater, percolating or otherwise;

2-8 (B) any surface water, natural or artificial,
 2-9 navigable or nonnavigable; and

2-10 (C) industrial and municipal wastewater.

2-11 (12) "Well" includes a facility, device, or method
 2-12 used to withdraw groundwater from a groundwater source within the
 2-13 boundaries of the authority.

2-14 Sec. 8878.002. NATURE OF AUTHORITY. The authority is a
 2-15 regional water authority in Fort Bend County created under and
 2-16 essential to accomplish the purposes of Section 59, Article XVI,
 2-17 Texas Constitution, including the acquisition and provision of
 2-18 surface water and groundwater for residential, commercial,
 2-19 industrial, agricultural, and other uses, the reduction of
 2-20 groundwater withdrawals, the conservation, preservation,
 2-21 protection, and recharge of groundwater and of groundwater
 2-22 reservoirs or their subdivisions, the prevention of waste of
 2-23 groundwater, the control of subsidence caused by the withdrawal of
 2-24 water from groundwater reservoirs or their subdivisions, and other
 2-25 public purposes stated in this chapter. The authority is a
 2-26 political subdivision of this state.

2-27 Sec. 8878.003. CONFIRMATION ELECTION NOT REQUIRED. An
 2-28 election to confirm the creation of the authority is not required.

2-29 Sec. 8878.004. INITIAL AUTHORITY TERRITORY. (a) The
 2-30 authority is initially composed of the territory described by
 2-31 Section 2 of the Act creating this chapter.

2-32 (b) The boundaries and field notes contained in Section 2 of
 2-33 the Act creating this chapter form a closure. A mistake made in the
 2-34 field notes or in copying the field notes in the legislative process
 2-35 does not affect:

2-36 (1) the organization, existence, or validity of the
 2-37 authority;

2-38 (2) the right of the authority to issue any type of
 2-39 bond or note for the purposes for which the authority is created or
 2-40 to pay the principal of and interest on a bond or note;

2-41 (3) the right of the authority to impose or collect a
 2-42 fee, user fee, rate, or charge; or

2-43 (4) the legality or operation of the authority.

2-44 (c) All of the territory of a local government created after
 2-45 the effective date of the Act creating this chapter that
 2-46 encompasses any territory within the boundaries of the authority,
 2-47 immediately on the creation and without any action required of the
 2-48 authority, is subject to all of the rights, powers, privileges, and
 2-49 rules of the authority to the same extent as the territory was
 2-50 before the local government was created.

2-51 Sec. 8878.005. EXCLUSION OF CERTAIN TERRITORY. (a) The
 2-52 governing body of a district or municipality or the owner of a large
 2-53 tract may petition for exclusion of all of the territory of the
 2-54 municipality, district, or large tract from the authority's
 2-55 boundaries if, on the effective date of the Act creating this
 2-56 chapter, all or any part of the municipality, district, or large
 2-57 tract is located in the territory described by Section 2 of the Act
 2-58 creating this chapter. The petition must be signed, as applicable,
 2-59 by a majority of the members of the governing body of the district
 2-60 or municipality or by the landowner of the large tract.

2-61 (b) The board shall:

2-62 (1) not later than the 180th day after the effective
 2-63 date of the Act creating this chapter, grant the petition and order
 2-64 the territory excluded if the petition:

2-65 (A) includes an accurate legal description of the
 2-66 boundaries of the territory to be excluded; and

2-67 (B) is filed with the authority not later than
 2-68 the 120th day after the effective date of the Act creating this
 2-69 chapter; and

3-1 (2) if the board grants the petition, file for
 3-2 recording in the office of the county clerk for the applicable
 3-3 county or counties a copy of the order and a description of the
 3-4 authority's boundaries as they exist after the exclusion of the
 3-5 territory.

3-6 (c) If a district, municipality, or large tract is excluded
 3-7 from the authority's boundaries under this section, the authority
 3-8 is not required to:

3-9 (1) provide water or any other service to the
 3-10 district, municipality, or large tract; or

3-11 (2) include the district, municipality, or large tract
 3-12 in any groundwater reduction plan adopted or implemented by the
 3-13 authority.

3-14 (d) If, not later than the 120th day after the effective
 3-15 date of this chapter, the governing body of a district or
 3-16 municipality or the owner of a large tract files a petition for
 3-17 exclusion under this section, the authority may not impose fees,
 3-18 user fees, rates, or charges on the district, municipality, or
 3-19 large tract after the petition is filed with the authority unless
 3-20 the district, municipality, or large tract is annexed by the
 3-21 authority under Section 8878.006.

3-22 (e) If a district or municipality excluded or the owner of a
 3-23 large tract excluded from the authority's boundaries under this
 3-24 section petitions the authority to be annexed under Section
 3-25 8878.006, the authority may annex the district, municipality, or
 3-26 large tract. The authority may, as a condition of annexation,
 3-27 require terms and conditions the board considers appropriate. The
 3-28 authority may require the district, municipality, or owner of the
 3-29 large tract to pay the authority the fees, user fees, and charges,
 3-30 with interest, that, as determined by the authority, the district,
 3-31 municipality, or owner of the large tract would have been charged by
 3-32 the authority if the district, municipality, or large tract had not
 3-33 been excluded from the authority under this section.

3-34 Sec. 8878.006. ANNEXATION. (a) Except to the extent the
 3-35 authority agrees in writing, a municipality's annexation of
 3-36 territory within the authority does not affect:

3-37 (1) the authority's powers inside or outside the
 3-38 annexed territory;

3-39 (2) the authority's boundaries or contracts; or

3-40 (3) the authority's ability to assess fees, user fees,
 3-41 rates, or charges inside or outside the territory annexed by the
 3-42 municipality.

3-43 (b) Territory may be annexed to the authority, regardless of
 3-44 whether the territory is contiguous to the authority, as provided
 3-45 by Chapter 49, Water Code.

3-46 (c) In addition to the authority granted by Subsection (b),
 3-47 regardless of whether the territory is contiguous to the authority,
 3-48 the authority may annex some or all of the territory located within
 3-49 a district or municipality if the district or municipality files
 3-50 with the authority a petition requesting the annexation signed by a
 3-51 majority of the members of the governing body of the district or
 3-52 municipality. The petition must include an accurate legal
 3-53 description of the boundaries of the territory to be included. If
 3-54 the authority has bonds, notes, or other obligations outstanding,
 3-55 the authority shall require the petitioning district or
 3-56 municipality to be obligated to pay its share of the principal of
 3-57 and interest on the outstanding bonds, notes, or other obligations,
 3-58 and related costs. The board may grant the petition and order the
 3-59 territory described by the petition annexed to the authority if it
 3-60 is feasible, practicable, and to the advantage of the authority.

3-61 (d) Any territory that a district located within the
 3-62 authority annexes becomes territory of the authority on the
 3-63 effective date of the annexation without any action required of the
 3-64 authority. The authority by rule may require all districts located
 3-65 within the authority to send to the authority written notice of the
 3-66 effective date of an annexation and require the districts to send to
 3-67 the authority copies of any necessary documents describing the
 3-68 annexed land and describing the districts' boundaries as they exist
 3-69 after inclusion of the annexed land.

4-1 (e) The annexation to the authority of territory under this
 4-2 section does not affect the validity of the authority's bonds
 4-3 issued before or after the annexation.

4-4 (f) A municipality that annexes territory of the authority
 4-5 for limited purposes under Subchapter F, Chapter 43, Local
 4-6 Government Code, does not have the right to:

4-7 (1) receive notices from the authority under Section
 4-8 8878.103(c);

4-9 (2) participate in the appointment of directors under
 4-10 Subchapter B; or

4-11 (3) receive information about or have the opportunity
 4-12 to fund its share of capital costs in the manner provided by the
 4-13 authority under Section 8878.104.

4-14 Sec. 8878.007. APPLICABILITY OF OTHER LAW. (a) Except as
 4-15 otherwise provided by this chapter, Chapter 49, Water Code, applies
 4-16 to the authority.

4-17 (b) This chapter does not prevail over or preempt a
 4-18 provision of Chapter 36, Water Code, or of Chapter 8801 or 8834 of
 4-19 this code that is being implemented by the Fort Bend Subsidence
 4-20 District or applicable subsidence district.

4-21 (c) Chapter 36, Water Code, does not apply to the authority.

4-22 Sec. 8878.008. FINDING OF BENEFIT. All the land, property,
 4-23 and persons included within the boundaries of the authority will be
 4-24 directly benefited by the works, projects, improvements, and
 4-25 services to be provided by the authority under powers conferred by
 4-26 Section 59, Article XVI, Texas Constitution, and this chapter. The
 4-27 authority is created to serve a public use and benefit. The
 4-28 creation of the authority will serve to promote the health, safety,
 4-29 and general welfare of persons within the authority and the general
 4-30 public. Any fees, user fees, rates, or charges imposed by the
 4-31 authority under this chapter are necessary to pay for the costs of
 4-32 accomplishing the purposes of the authority as set forth in Section
 4-33 59, Article XVI, Texas Constitution, and this chapter, including:

4-34 (1) the reduction of groundwater withdrawals;

4-35 (2) the facilitation of compliance with the
 4-36 requirements of the Fort Bend Subsidence District or applicable
 4-37 subsidence district; and

4-38 (3) the provision of services, facilities, and
 4-39 systems.

4-40 SUBCHAPTER B. BOARD OF DIRECTORS

4-41 Sec. 8878.051. DIRECTORS; TERMS. (a) The authority is
 4-42 governed by a board of five directors.

4-43 (b) The directors serve staggered four-year terms, with two
 4-44 or three directors' terms expiring May 15 of each even-numbered
 4-45 year.

4-46 Sec. 8878.052. ELIGIBILITY TO SERVE AS DIRECTOR. To be
 4-47 eligible to serve as a director of the authority or to be listed as
 4-48 provided by Section 8878.056 on a ballot as a candidate for director
 4-49 of the authority representing a director precinct, an individual
 4-50 must:

4-51 (1) be at least 18 years of age;

4-52 (2) be a resident of the authority; and

4-53 (3) have served as a director of one or more districts
 4-54 or as a member of the governing body of a municipality within the
 4-55 authority for a total of at least four years.

4-56 Sec. 8878.053. DISQUALIFICATION OF DIRECTORS. Subject to
 4-57 Section 8878.061, the common law doctrine of incompatibility does
 4-58 not disqualify an official or an employee of a public entity from
 4-59 serving as a director of the authority. A director who is also an
 4-60 official or an employee of a public entity may not participate in
 4-61 the discussion of or vote on a matter regarding a contract with that
 4-62 public entity.

4-63 Sec. 8878.054. CONFLICTS OF INTEREST. Chapter 171, Local
 4-64 Government Code, governs conflicts of interest of board members.

4-65 Sec. 8878.055. SINGLE-MEMBER DIRECTOR PRECINCTS. (a) The
 4-66 authority is divided into five single-member director precincts,
 4-67 the initial territories of which are described by Section 3 of the
 4-68 Act creating this chapter.

4-69 (b) The board may redraw the single-member director

5-1 precincts in a manner that is reasonable and equitable:

5-2 (1) after any change in the boundaries of the
5-3 authority; or

5-4 (2) by a resolution redrawing the director precincts
5-5 adopted by a two-thirds majority of the board, based on changed
5-6 circumstances.

5-7 (c) The boundaries and field notes for each precinct
5-8 contained in Section 3 of the Act creating this chapter form a
5-9 closure. A mistake made in the field notes or in copying the field
5-10 notes in the legislative process does not affect the selection of a
5-11 director under this chapter.

5-12 Sec. 8878.056. METHOD OF APPOINTMENT OF DIRECTORS. (a)
5-13 Except as provided by Section 8878.057, the governing bodies of the
5-14 districts and municipalities located within each director precinct
5-15 jointly shall appoint one director to represent the precinct by a
5-16 vote conducted as provided by this section.

5-17 (b) If a district or municipality is located within two or
5-18 more director precincts, the district or municipality is
5-19 considered, for purposes of this section, to be located only within
5-20 the director precinct in which the greatest amount of territory of
5-21 the district or municipality is located.

5-22 (c) For the appointment of a director for a director
5-23 precinct, the board shall determine the number of votes each
5-24 district or municipality may cast. The number of votes for a
5-25 governing body of a district or municipality within the precinct is
5-26 equal to the number computed by dividing the total number of units
5-27 of water, as determined by the board, used within the precinct by
5-28 the district or municipality during the calendar year preceding the
5-29 year in which the director is selected by the total number of units
5-30 of water used within the precinct by all districts and
5-31 municipalities in the precinct, multiplying that quotient by 100,
5-32 and rounding that result to the nearest one-tenth. The board shall
5-33 provide the presiding officer of each governing body of a district
5-34 or municipality within each director precinct written notice of the
5-35 number of votes computed for that governing body to cast.

5-36 (d) For purposes of Subsection (c), the board shall
5-37 determine the amount of water usage of all districts and
5-38 municipalities within each director precinct.

5-39 (e) In the appropriate even-numbered year, the governing
5-40 body of each district or municipality in a director precinct by
5-41 resolution may nominate one candidate for the position of director
5-42 for that director precinct. Each district or municipality shall
5-43 submit the name of its candidate, if any, to the presiding officer
5-44 of the authority by February 15 of that year. If by February 15 of
5-45 that year only one candidate's name is submitted for the position of
5-46 director for a director precinct, the board may declare the
5-47 unopposed candidate elected and may cancel the director appointment
5-48 procedures generally required by this section for that position.
5-49 If more than one candidate's name is submitted for the position of
5-50 director for a director precinct, before March 15 of that year the
5-51 board shall prepare, for the director precinct or precincts from
5-52 which a director is being appointed, a ballot listing all of the
5-53 candidates for that director precinct and shall provide a copy of
5-54 the appropriate ballot to the presiding officer of the governing
5-55 body of each district or municipality located within the director
5-56 precinct from which a director is being appointed.

5-57 (f) An individual may not be listed as a candidate on the
5-58 ballot for more than one director position. If a candidate is
5-59 nominated for more than one director position, the candidate must
5-60 choose to be on the ballot for only one director position.

5-61 (g) The governing body of each district or municipality
5-62 shall determine its votes for director by resolution and submit
5-63 them to the presiding officer of the authority before May 1 of the
5-64 appropriate even-numbered year. In casting its votes for director,
5-65 the governing body of each district or municipality may vote for
5-66 only one candidate on the ballot for the director precinct in which
5-67 the district or municipality is located. For each director
5-68 precinct from which a director is being appointed, the board shall
5-69 count the votes, declare elected the candidate who received the

6-1 greatest number of votes from districts and municipalities located
6-2 within that director precinct, and submit the results before May 15
6-3 of that year to the governing body of each district or municipality
6-4 within that director precinct.

6-5 (h) The board may adopt rules regarding:
6-6 (1) the manner and timing of determinations and
6-7 calculations required by this section;
6-8 (2) the reporting of water usage to the authority by
6-9 districts and municipalities; and
6-10 (3) the conduct and process of the appointment of
6-11 directors.

6-12 Sec. 8878.057. APPOINTMENT OF DIRECTORS IN SPARSELY
6-13 POPULATED PRECINCTS. (a) For each precinct with a population of
6-14 less than 25,000, the Commissioners Court of Fort Bend County shall
6-15 appoint the director for that precinct. When the population within
6-16 a precinct reaches 25,000, as determined by federal census
6-17 information or as otherwise determined by the county, that precinct
6-18 is eligible to nominate and appoint a director in accordance with
6-19 Section 8878.056, who shall serve upon the expiration of the
6-20 appointed director's term.

6-21 (b) To be eligible for appointment under this section, a
6-22 person must be a resident of the county. Sections 8878.052(2) and
6-23 (3) do not apply to the eligibility of a person for appointment
6-24 under this section.

6-25 Sec. 8878.058. VACANCY IN OFFICE OF DIRECTOR. (a) A
6-26 vacancy in the office of director shall be filled by appointment by
6-27 the governing bodies of the districts and municipalities that are
6-28 located within the director precinct for which the vacancy
6-29 occurred. The appointment process shall follow the procedures of
6-30 Section 8878.056. The board may establish dates different from
6-31 those specified by Sections 8878.056(e) and (g), but the date for
6-32 the board's submission of the voting results to each district and
6-33 municipality may not be later than the 120th day after the date the
6-34 vacancy occurs.

6-35 (b) A vacancy in the office of director appointed by the
6-36 county under Section 8878.057 shall be filled by appointment by the
6-37 Commissioners Court of Fort Bend County.

6-38 Sec. 8878.059. MEETINGS AND ACTIONS OF BOARD. (a) The
6-39 board may meet as many times each year as the board considers
6-40 appropriate.

6-41 (b) Directors of the authority are public officials and are
6-42 entitled to governmental immunity for their actions in their
6-43 capacity as directors and officers of the authority.

6-44 Sec. 8878.060. GENERAL MANAGER. (a) The board may employ
6-45 a general manager of the authority or contract with a person to
6-46 perform the duties of a general manager. The board may delegate to
6-47 the general manager full authority to manage and operate the
6-48 affairs of the authority subject only to orders of the board.

6-49 (b) The board may delegate to the general manager the
6-50 authority to employ all persons necessary for the proper handling
6-51 of the business and operation of the authority and to determine the
6-52 compensation to be paid to all employees, other than the general
6-53 manager.

6-54 Sec. 8878.061. COMPENSATION; EXPENSES. A director who is
6-55 also an official of another public entity serves without
6-56 compensation but may be reimbursed for actual expenses incurred in
6-57 the performance of official duties. The expenses must be:

- 6-58 (1) reported in the authority's records; and
- 6-59 (2) approved by the board.

6-60 SUBCHAPTER C. POWERS AND DUTIES

6-61 Sec. 8878.101. GENERAL POWERS AND DUTIES. (a) The
6-62 authority may:

- 6-63 (1) provide for the conservation, preservation,
6-64 protection, recharge, and prevention of waste of groundwater, and
6-65 for the reduction of groundwater withdrawals as necessary to
6-66 develop, implement, or enforce a groundwater reduction plan, in a
6-67 manner consistent with the purposes of Section 59, Article XVI,
6-68 Texas Constitution, and facilitate compliance with Fort Bend
6-69 Subsidence District or applicable subsidence district rules,

7-1 orders, regulations, or requirements;
7-2 (2) acquire or develop surface water and groundwater
7-3 supplies from sources inside or outside the boundaries of the
7-4 authority, conserve, store, transport, treat, purify, distribute,
7-5 sell, and deliver water to or among persons inside and outside the
7-6 boundaries of the authority, and allocate water among persons
7-7 participating in the authority's groundwater reduction plan
7-8 whether they are located inside or outside the authority's
7-9 boundaries;
7-10 (3) enter into contracts with persons inside or
7-11 outside the authority on terms and conditions the board considers
7-12 desirable, fair, and advantageous for the performance of its
7-13 rights, powers, and authority under this chapter;
7-14 (4) coordinate water services provided inside,
7-15 outside, or into the authority;
7-16 (5) provide wholesale and retail water services to any
7-17 users or customers within the authority's boundaries without being
7-18 required to execute contracts with those users or customers;
7-19 (6) adopt policies establishing whether, when, and the
7-20 manner in which the authority uses requests for proposals in
7-21 obtaining services, including professional services;
7-22 (7) determine whether to adopt administrative
7-23 policies in addition to those required by Section 49.199, Water
7-24 Code; and
7-25 (8) administer and enforce this chapter.
7-26 (b) Sections 49.451-49.455, Water Code, do not apply to the
7-27 authority.
7-28 (c) Notwithstanding Subsection (a)(5), the authority may
7-29 not provide retail water service to a retail user within the
7-30 authority's boundaries that is located within the boundaries of a
7-31 district or municipality on the date the authority awards a
7-32 contract for the construction or executes a contract for the
7-33 acquisition of water facilities to serve that retail user, unless:
7-34 (1) the district or municipality consents in writing
7-35 to the authority's provision of retail water service; or
7-36 (2) the retail user owns or operates a well.
7-37 (d) If a retail user that does not own or operate a well is
7-38 added to the boundaries of a district or municipality after the date
7-39 the authority awards a contract for the construction or executes a
7-40 contract for the acquisition of water facilities to serve that
7-41 retail user, the authority may provide retail service to that
7-42 retail user without the written consent of the district or
7-43 municipality.
7-44 Sec. 8878.102. AUTHORITY RULES. The authority may adopt
7-45 and enforce rules reasonably required to implement this chapter,
7-46 including rules governing procedures before the board and rules
7-47 regarding implementation, enforcement, and any other matters
7-48 related to the authority's water supply or groundwater reduction
7-49 plan.
7-50 Sec. 8878.103. FEES, USER FEES, RATES, AND CHARGES.
7-51 (a) The authority may establish fees, user fees, rates, and
7-52 charges and classifications of payers of fees and rates as
7-53 necessary to enable the authority to fulfill the authority's
7-54 purposes and regulatory functions provided by this chapter. The
7-55 authority may impose fees, user fees, rates, and charges on any
7-56 person within the authority.
7-57 (b) The authority may charge the owner of a well located
7-58 within the authority's boundaries a fee or user fee according to the
7-59 amount of water pumped from the well. If ownership of a well
7-60 changes, both the prior and subsequent well owners are liable to the
7-61 authority, jointly and severally, for all fees and user fees
7-62 imposed by the authority under this subsection, and any related
7-63 penalties and interest, for water pumped from that well before the
7-64 change in well ownership. Notwithstanding Subsection (d), the
7-65 authority may impose a charge under this subsection on a well or
7-66 class of wells located in Fort Bend County that, on or after
7-67 February 1, 2013:
7-68 (1) ceases to be subject to a groundwater reduction
7-69 requirement imposed by the Fort Bend Subsidence District or

8-1 applicable subsidence district; or
 8-2 (2) is no longer subject to the regulatory provisions,
 8-3 permitting requirements, or jurisdiction of the Fort Bend
 8-4 Subsidence District or applicable subsidence district.
 8-5 (c) The board shall make reasonable efforts to send
 8-6 districts and municipalities written notice of the date, time, and
 8-7 location of the meeting at which the board intends to adopt a
 8-8 proposed charge under Subsection (b) and the amount of the proposed
 8-9 charge. The board's failure to comply with this subsection does not
 8-10 invalidate a charge adopted by the board under Subsection (b).
 8-11 (d) For wells located in Fort Bend County, the board shall
 8-12 exempt from the charge under Subsection (b) classes of wells that
 8-13 are not subject to any groundwater reduction requirement imposed by
 8-14 the Fort Bend Subsidence District or applicable subsidence
 8-15 district. If any of those classes of wells become subject to a
 8-16 groundwater reduction requirement imposed by the applicable
 8-17 subsidence district, the authority may impose the charge under
 8-18 Subsection (b) on those classes. The board by rule may exempt any
 8-19 other classes of wells from the charge under Subsection (b). The
 8-20 board may not apply the charge under Subsection (b) to a well:
 8-21 (1) with a casing diameter of less than five inches
 8-22 that serves only a single-family dwelling; or
 8-23 (2) regulated under Chapter 27, Water Code.
 8-24 (e) For purposes of Subsection (d), a well is subject to a
 8-25 groundwater reduction requirement if the applicable subsidence
 8-26 district has adopted or adopts a requirement or rule that
 8-27 groundwater withdrawals from the well, or from the well and other
 8-28 wells collectively, be reduced, including a groundwater reduction
 8-29 that is not required until a future date.
 8-30 (f) The authority may establish fees, user fees, rates, and
 8-31 charges that are sufficient to:
 8-32 (1) achieve water conservation;
 8-33 (2) prevent waste of water;
 8-34 (3) serve as a disincentive to pumping groundwater;
 8-35 (4) develop, implement, or enforce a groundwater
 8-36 reduction plan;
 8-37 (5) accomplish the purposes of this chapter, including
 8-38 making available alternative water supplies;
 8-39 (6) enable the authority to meet operation and
 8-40 maintenance expenses;
 8-41 (7) pay the principal of and interest on notes, bonds,
 8-42 and other obligations issued in connection with the exercise of the
 8-43 authority's general powers and duties; and
 8-44 (8) satisfy all rate covenants relating to the
 8-45 issuance of notes, bonds, and other obligations.
 8-46 (g) The authority may charge rates established by the
 8-47 authority for water purchased from the authority.
 8-48 (h) The authority may impose fees, user fees, or charges for
 8-49 the importation of water into the authority's boundaries from a
 8-50 source located outside the authority's boundaries.
 8-51 (i) The authority may impose a reasonable export fee or
 8-52 surcharge for groundwater transferred out of the authority, in an
 8-53 amount not to exceed 150 percent of the surface water fee charged by
 8-54 the North Fort Bend Water Authority.
 8-55 Sec. 8878.104. PURCHASE OF WATER FROM ANOTHER ENTITY.
 8-56 (a) If the authority purchases water from another entity for
 8-57 resale to local governments, the authority shall use its best
 8-58 efforts in negotiating with the entity to determine the amount of
 8-59 capital costs included in any rates or charges paid by the
 8-60 authority. The authority shall determine the amount of expected
 8-61 capital costs of its own system.
 8-62 (b) The authority shall provide each district or
 8-63 municipality within its boundaries information regarding the share
 8-64 of the capital costs to be paid by the district or municipality, as
 8-65 determined by the authority, and shall provide each district or
 8-66 municipality the opportunity, in a manner and by a procedure
 8-67 determined by the authority, to fund its share of the capital costs
 8-68 with proceeds from the sale of bonds or fees and charges collected
 8-69 by the districts or municipalities. A district or municipality may

9-1 use any lawful source of revenue, including bond funds, to pay any
9-2 sums due to the authority.

9-3 (c) The authority may adopt a procedure by which a district
9-4 or municipality may receive a credit from the authority. The board
9-5 may adopt any other procedure necessary to accomplish the goals of
9-6 this section.

9-7 (d) In complying with this section, the authority may use
9-8 any reasonable basis to calculate from time to time the share of the
9-9 capital costs of a district or municipality. The authority may
9-10 calculate the shares of the capital costs based on the amount of
9-11 water used within the authority by the district or municipality
9-12 during the calendar year preceding the year in which the
9-13 calculation is made.

9-14 (e) This section or any failure to comply with this section
9-15 does not limit or impede the authority's ability to issue bonds or
9-16 notes or invalidate any fees, user fees, charges, or rates imposed
9-17 by the authority.

9-18 Sec. 8878.105. INTEREST AND PENALTIES. The board may
9-19 require the payment of interest on any late or unpaid fees, user
9-20 fees, rates, or charges due the authority, but the interest rate may
9-21 not exceed the interest rate permitted by Section 2251.025,
9-22 Government Code. The board may also impose penalties for the
9-23 failure to make a complete or timely payment to the authority. In
9-24 addition, the board may exclude a person, or any territory or well
9-25 owned or controlled by a person, from the authority's groundwater
9-26 reduction plan for failure to make a complete or timely payment to
9-27 the authority.

9-28 Sec. 8878.106. ATTORNEY'S FEES AND COLLECTION EXPENSES.
9-29 (a) The authority is entitled to reasonable attorney's fees
9-30 incurred by the authority in enforcing its rules.

9-31 (b) The authority is entitled to collection expenses and
9-32 reasonable attorney's fees incurred by the authority in collecting
9-33 any delinquent fees, user fees, rates, and charges and any related
9-34 penalties and interest.

9-35 Sec. 8878.107. LIEN. (a) Fees and user fees imposed by the
9-36 authority under Section 8878.103(b), any related penalties and
9-37 interest, and collection expenses and reasonable attorney's fees
9-38 incurred by the authority:

9-39 (1) are a first and prior lien against the well to
9-40 which the fees or user fees apply;

9-41 (2) are superior to any other lien or claim other than
9-42 a lien or claim for county, school district, or municipal ad valorem
9-43 taxes; and

9-44 (3) are the personal liability of and a charge against
9-45 the owner of the well.

9-46 (b) A lien under this section is effective from the date of
9-47 the resolution or order of the board imposing the fee or user fee
9-48 until the fee or user fee is paid.

9-49 (c) The board may enforce the lien in the same manner that a
9-50 municipal utility district operating under Chapter 54, Water Code,
9-51 may enforce an ad valorem tax lien against real property.

9-52 Sec. 8878.108. ADMINISTRATIVE PENALTY; INJUNCTION. (a) A
9-53 person who violates a rule or order of the authority is subject to
9-54 an administrative penalty of not more than \$5,000, as determined by
9-55 the board, for each violation or each day of a continuing violation.
9-56 The person shall pay the penalty to the authority.

9-57 (b) The authority may bring an action to recover the penalty
9-58 in a district court in the county where the violation occurred.

9-59 (c) The authority may bring an action for injunctive relief
9-60 in a district court in the county where a violation of an authority
9-61 rule or order occurs or is threatened to occur. The court may grant
9-62 to the authority, without bond or other undertaking, a prohibitory
9-63 or mandatory injunction that the facts warrant, including a
9-64 temporary restraining order, temporary injunction, or permanent
9-65 injunction.

9-66 (d) The authority may bring an action for an administrative
9-67 penalty and injunctive relief in the same proceeding.

9-68 Sec. 8878.109. WATER SUPPLY OR DROUGHT CONTINGENCY PLANS.
9-69 The authority by rule may develop, prepare, revise, adopt,

10-1 implement, enforce, and manage comprehensive water supply or
 10-2 drought contingency plans for the authority, or any portion of the
 10-3 authority.

10-4 Sec. 8878.110. GROUNDWATER REDUCTION PLAN. (a) The
 10-5 authority may wholly or partly develop, prepare, revise, adopt,
 10-6 implement, enforce, manage, or participate in a groundwater
 10-7 reduction plan that is applicable only to the authority and one or
 10-8 more persons outside the authority. The authority may require that
 10-9 any groundwater reduction plan that the authority wholly or partly
 10-10 develops, prepares, revises, adopts, implements, enforces, or
 10-11 manages or in which the authority participates be the exclusive
 10-12 groundwater reduction plan that is binding and mandatory on some or
 10-13 all of the territory, persons, or wells located within the
 10-14 authority. A groundwater reduction plan may:

10-15 (1) specify the measures to be taken to reduce
 10-16 groundwater withdrawals;

10-17 (2) identify alternative sources of water, including
 10-18 water from the authority, to be provided to those affected;

10-19 (3) identify the rates, terms, and conditions under
 10-20 which alternative sources of water will be provided, which may be
 10-21 changed from time to time as considered necessary by the authority;

10-22 (4) specify the dates and extent to which persons or
 10-23 districts within the authority's boundaries shall reduce or cease
 10-24 reliance on groundwater and accept water from alternative sources,
 10-25 including water from the authority;

10-26 (5) include other terms and measures that are
 10-27 consistent with the powers and duties of the authority;

10-28 (6) exceed the minimum requirements imposed by the
 10-29 Fort Bend Subsidence District or applicable subsidence district,
 10-30 including any applicable groundwater reduction requirements; and

10-31 (7) be amended from time to time at the discretion of
 10-32 the authority.

10-33 (b) Fees, user fees, rates, and charges of the authority may
 10-34 be imposed under this chapter for a person's participation in and
 10-35 benefit derived from the authority's groundwater reduction plan, a
 10-36 groundwater reduction plan in which the authority participates, or
 10-37 the authority's works, projects, improvements, and services to be
 10-38 provided by the authority under powers conferred by Section 59,
 10-39 Article XVI, Texas Constitution, and this chapter.

10-40 Sec. 8878.111. ACQUISITION, CONSTRUCTION, AND OPERATION OF
 10-41 SYSTEMS. (a) The authority may:

10-42 (1) acquire by purchase, gift, lease, contract, or any
 10-43 other legal means a water treatment or supply system, or any other
 10-44 works, plants, improvements, or facilities necessary or convenient
 10-45 to accomplish the purposes of the authority, or any interest of the
 10-46 authority, inside or outside the authority's boundaries;

10-47 (2) design, finance, operate, maintain, or construct a
 10-48 water treatment or supply system or any other works, plants,
 10-49 improvements, or facilities necessary or convenient to accomplish
 10-50 the purposes of the authority and provide water services inside or
 10-51 outside the authority's boundaries;

10-52 (3) lease or sell a water treatment or supply system or
 10-53 any other works, plants, improvements, or facilities necessary or
 10-54 convenient to accomplish the purposes of the authority that the
 10-55 authority constructs or acquires inside or outside the authority's
 10-56 boundaries;

10-57 (4) contract with any person to operate or maintain a
 10-58 water treatment or supply system the person owns; or

10-59 (5) acquire water rights under any law or permit.

10-60 (b) The authority may contract, according to terms and
 10-61 conditions the board considers desirable, fair, and advantageous,
 10-62 with a person outside the authority's boundaries:

10-63 (1) to allow the person, or the person's well, to be
 10-64 included in a groundwater reduction plan adopted or implemented
 10-65 wholly or partly by the authority or in a groundwater reduction plan
 10-66 in which the authority participates;

10-67 (2) to sell water to the person; or

10-68 (3) to sell the person available excess capacity or
 10-69 additional capacity of the authority's water treatment or supply

11-1 system.
11-2 (c) The authority by rule may require that the plans and
11-3 specifications of water lines to be constructed within the
11-4 authority that are designed or intended to serve more than one
11-5 district or more than one person owning or holding a well permit
11-6 issued by the Fort Bend Subsidence District or applicable
11-7 subsidence district be approved by the authority before the
11-8 commencement of construction of the water lines.

11-9 Sec. 8878.112. SALE OR REUSE OF WATER OR BY-PRODUCT. The
11-10 authority may store, sell, or reuse:

- 11-11 (1) water; or
- 11-12 (2) any by-product from the authority's operations.

11-13 Sec. 8878.113. CONTRACTS. (a) The authority may enter into
11-14 a contract with a person for the performance of a purpose or
11-15 function of the authority, including a contract to design,
11-16 construct, finance, lease, own, manage, operate, or maintain works,
11-17 improvements, facilities, plants, equipment, or appliances
11-18 necessary to accomplish a purpose or function of the authority. A
11-19 contract may be of unlimited duration.

11-20 (b) The authority may purchase, acquire, finance, or lease
11-21 an interest in a project used for a purpose or function of the
11-22 authority.

11-23 (c) The authority may contract for:

- 11-24 (1) the purchase, sale, or lease of water or water
11-25 rights;
- 11-26 (2) the performance of activities within the powers of
11-27 the authority through the purchase, construction, or installation
11-28 of works, improvements, facilities, plants, equipment, or
11-29 appliances; or
- 11-30 (3) the design, construction, ownership, management,
11-31 maintenance, or operation of any works, improvements, facilities,
11-32 plants, equipment, or appliances of the authority or another
11-33 person.

11-34 (d) The authority may purchase surplus property from this
11-35 state, the United States, or another public entity through a
11-36 negotiated contract without bids.

11-37 Sec. 8878.114. COOPERATION WITH AND ASSISTANCE OF OTHER
11-38 GOVERNMENTAL ENTITIES. (a) In implementing this chapter, the
11-39 board may cooperate with and request the assistance of the Texas
11-40 Water Development Board, the commission, the United States
11-41 Geological Survey, the Fort Bend Subsidence District or applicable
11-42 subsidence district, other local governments, and other agencies of
11-43 the United States and this state.

11-44 (b) The Fort Bend Subsidence District or applicable
11-45 subsidence district may enter into an interlocal contract with the
11-46 authority to carry out the authority's purposes and may carry out
11-47 the governmental functions and services specified in the interlocal
11-48 contract.

11-49 (c) For the purpose of reducing costs associated with
11-50 preparing a groundwater reduction plan, the board may consider the
11-51 usefulness of a water supply study or plan prepared by or on behalf
11-52 of the North Fort Bend Water Authority, the Central Harris County
11-53 Regional Water Authority, the North Harris County Regional Water
11-54 Authority, the West Harris County Regional Water Authority, the
11-55 City of Houston, the City of Sugar Land, the City of Missouri City,
11-56 Fort Bend County Water Control and Improvement District No. 2, the
11-57 City of Richmond, the City of Rosenberg, Pecan Grove Municipal
11-58 Utility District, or another governmental entity to the extent the
11-59 study or plan is available and applicable to the authority.

11-60 Sec. 8878.115. GIFTS AND GRANTS. The authority may accept a
11-61 gift or grant from money collected by the Fort Bend Subsidence
11-62 District or applicable subsidence district to fund the
11-63 construction, maintenance, or operation of a water treatment or
11-64 supply system.

11-65 Sec. 8878.116. EXPENDITURES. (a) The authority's money
11-66 may be disbursed only by check, draft, order, federal reserve wire
11-67 system, or other instrument or authorization.

11-68 (b) Disbursements of the authority must be signed by at
11-69 least a majority of the directors. The board by resolution may

12-1 allow the general manager, treasurer, bookkeeper, or other employee
 12-2 of the authority to sign disbursements, except as limited by
 12-3 Subsection (c).

12-4 (c) The board by resolution may allow disbursements to be
 12-5 transferred by federal reserve wire system to accounts in the name
 12-6 of the authority without the necessity of any directors signing the
 12-7 disbursement. Disbursements of the authority's money by federal
 12-8 reserve wire system to any accounts not in the name of the authority
 12-9 must be signed by at least a majority of the directors.

12-10 Sec. 8878.117. AD VALOREM TAXATION. The authority may not
 12-11 impose an ad valorem tax.

12-12 Sec. 8878.118. EMINENT DOMAIN. (a) The authority may
 12-13 acquire by condemnation any land, easements, or other property
 12-14 inside the authority's boundaries to further authorized purposes,
 12-15 powers, or duties of the authority. The authority may acquire by
 12-16 condemnation any land, easements, or other property outside the
 12-17 authority's boundaries for the purposes of pumping, storing,
 12-18 treating, or transporting water. When exercising the power of
 12-19 eminent domain granted by this section, the authority may elect to
 12-20 condemn either the fee simple title or a lesser property interest.

12-21 (b) The authority may exercise the power of eminent domain
 12-22 in the manner provided by Chapter 21, Property Code. The authority
 12-23 is not required to give bond for appeal or bond for costs in a
 12-24 condemnation suit or other suit to which it is a party. The
 12-25 authority is not required to deposit more than the amount of an
 12-26 award in a suit.

12-27 (c) The authority may not use the power of eminent domain
 12-28 for the condemnation of land for the purpose of acquiring rights to
 12-29 groundwater or for the purpose of acquiring water or water rights.

12-30 Sec. 8878.119. ACTION AGAINST PERSON, DISTRICT, OR
 12-31 POLITICAL SUBDIVISION. (a) The authority may bring an action in a
 12-32 district court against a person, including a district or other
 12-33 political subdivision located in the authority's territory or
 12-34 included in the authority's groundwater reduction plan, to:

12-35 (1) recover any fees, rates, charges, collection
 12-36 expenses, attorney's fees, interest, penalties, or administrative
 12-37 penalties due the authority; or

12-38 (2) enforce the authority's rules or orders.

12-39 (b) Governmental immunity from suit or liability of a
 12-40 district or other political subdivision is waived for the purposes
 12-41 of an action under this section.

12-42 SUBCHAPTER D. BONDS AND NOTES

12-43 Sec. 8878.151. REVENUE BONDS AND NOTES. (a) The authority
 12-44 may issue bonds or notes payable solely from revenue from any
 12-45 source, including:

12-46 (1) tolls, charges, rates, fees, and user fees the
 12-47 authority imposes or collects;

12-48 (2) the sale of water, water services, water rights or
 12-49 capacity, water transmission rights or services, water pumping, or
 12-50 any other service or product of the authority provided inside or
 12-51 outside the boundaries of the authority;

12-52 (3) grants or gifts;

12-53 (4) the ownership or operation of all or a designated
 12-54 part of the authority's works, improvements, facilities, plants, or
 12-55 equipment; and

12-56 (5) contracts between the authority and any person.

12-57 (b) Notes issued by the authority may be first or
 12-58 subordinate lien notes at the board's discretion.

12-59 (c) In connection with any bonds or notes of the authority,
 12-60 the authority may exercise any power of an issuer under Chapter
 12-61 1371, Government Code.

12-62 (d) The authority may conduct a public, private, or
 12-63 negotiated sale of the bonds or notes.

12-64 (e) The authority may enter into one or more indentures of
 12-65 trust to further secure its bonds or notes.

12-66 (f) The authority may issue bonds or notes in more than one
 12-67 series as necessary to carry out the purposes of this chapter. In
 12-68 issuing bonds or notes secured by revenue of the authority, the
 12-69 authority may reserve the right to issue additional bonds or notes

13-1 secured by the authority's revenue that are on a parity with or are
13-2 senior or subordinate to the bonds or notes issued earlier.

13-3 (g) A resolution of the board authorizing the bonds or notes
13-4 or a trust indenture securing the bonds or notes may specify
13-5 additional provisions that constitute a contract between the
13-6 authority and its bondholders or noteholders.

13-7 (h) Bonds and notes may be additionally secured by deed of
13-8 trust or mortgage on any or all of the authority's facilities.

13-9 (i) The authority may issue refunding bonds or notes to
13-10 refund any of its bonds or notes in any manner provided by law.

13-11 (j) Sections 49.153, 49.154, and 49.181, Water Code, do not
13-12 apply to bonds or notes issued by the authority. Commission rules
13-13 regarding bonds or notes do not apply to bonds or notes issued by
13-14 the authority.

13-15 SECTION 2. The West Fort Bend Water Authority initially
13-16 includes the territory that is contained in the following area,
13-17 regardless of whether the territory contains noncontiguous parcels
13-18 of land or whether the territory is located within the boundaries of
13-19 any other governmental entity or political subdivision of the
13-20 state:

13-21 Contiguous with the boundaries of Fort Bend County, save and
13-22 except the following:

13-23 1. Territory included within the boundaries of North Fort
13-24 Bend Water Authority and the West Harris County Regional Water
13-25 Authority as of January 1, 2013;

13-26 2. Territory included within the corporate limits of the
13-27 City of Houston as of January 1, 2013; and

13-28 3. Territory included within the corporate or
13-29 extraterritorial jurisdiction limits of the following
13-30 municipalities as of January 1, 2013:

- 13-31 a. City of Alvin,
- 13-32 b. City of Arcola,
- 13-33 c. City of Fulshear,
- 13-34 d. City of Missouri City,
- 13-35 e. City of Pearland,
- 13-36 f. City of Richmond,
- 13-37 g. City of Rosenberg,
- 13-38 h. City of Stafford, and
- 13-39 i. City of Sugar Land; and

13-40 4. Territory included in Oak Bend Forest, a subdivision per
13-41 plat or map recorded under Slide 1214 A&B of the Plat Records of
13-42 Fort Bend County, Texas that lies within Fort Bend County; and

13-43 5. All of the H.T.&B. RR. Co. Survey, Abstract No. 622, Fort
13-44 Bend County, Texas; and

13-45 6. Territory included within that portion of the
13-46 extraterritorial jurisdiction limits of the City of Houston bounded
13-47 on the East by the corporate and extraterritorial limits of the City
13-48 of Pearland, bounded on the South by the extraterritorial limits of
13-49 the City of Arcola, the South right-of-way of State Highway No. 6,
13-50 and the corporate limits of the City of Missouri City, bounded on
13-51 the West by the corporate and extraterritorial limits of the City of
13-52 Missouri City and the corporate limits of the City of Houston, and
13-53 bounded on North by the corporate limits of the City of Houston; and

13-54 7. All of Booth Ranch Municipal Utility District as of
13-55 January 1, 2013; and

13-56 8. All of that land owned by the George Foundation and
13-57 described in Exhibit A of a Memorandum of Agreement between the
13-58 George Foundation and the North Fort Bend Water Authority dated
13-59 October 1, 2007 and recorded under Fort Bend County Clerk's File No.
13-60 2008035000.

13-61 SECTION 3. The West Fort Bend Water Authority includes five
13-62 single-member director precincts as follows:

13-63 Precinct 1
13-64 Description

13-65 BEGINNING at a point in the centerline of the Brazos River, same
13-66 being the East line of Austin County for the common West corner of
13-67 Waller and Fort Bend Counties;

13-68 THENCE, in a general Easterly direction, along and with the South
13-69 line of said Waller County, same being the North line of said Fort

14-1 Bend County to the intersection of said County line with the West
 14-2 limits of the City of Fulshear Extraterritorial Jurisdiction (all
 14-3 references to the limits of the City of Fulshear Extraterritorial
 14-4 Jurisdiction are as of January 1, 2013);
 14-5 THENCE, Southerly and Easterly, along and with the West limits of
 14-6 said City of Fulshear Extraterritorial Jurisdiction to the
 14-7 intersection of an interior South line of said City of Fulshear
 14-8 Extraterritorial Jurisdiction with the West line of the North Fort
 14-9 Bend Water Authority;
 14-10 THENCE, Southerly, along and with the West line of said North Fort
 14-11 Bend Water Authority to the intersection of said West line with an
 14-12 interior North line of said City of Fulshear Extraterritorial
 14-13 Jurisdiction in the centerline of North Fulshear Drive;
 14-14 THENCE, Westerly, Southerly, and Easterly, along and with the
 14-15 Westerly limits of said City of Fulshear Extraterritorial
 14-16 Jurisdiction and partly along and with the Easterly limits of the
 14-17 City of Weston Lakes Extraterritorial Jurisdiction (all references
 14-18 to the limits of the City of Weston Lakes Extraterritorial
 14-19 Jurisdiction are as of January 1, 2013) to a point in the centerline
 14-20 of Farm to Market (FM) Highway No. 1093;
 14-21 THENCE, Westerly, along and with the centerline of said FM 1093, to
 14-22 the intersection of said centerline with the centerline of said
 14-23 Brazos River, same being the East line of said Austin County and the
 14-24 West line of said Fort Bend County;
 14-25 THENCE, in a general Northerly direction, upstream and along and
 14-26 with the centerline of said Brazos River, same being the East line
 14-27 of said Austin County and the West line of said Fort Bend County to
 14-28 the POINT OF BEGINNING.

Precinct 2
 Description

14-31 BEGINNING at a point in the centerline of the Brazos River, same
 14-32 being the East line of Austin County and the West line of said Fort
 14-33 Bend County for the intersection of the centerline of said Brazos
 14-34 River with the centerline of Farm to Market (FM) Highway No. 1093;
 14-35 THENCE, in an Easterly direction, along and with the centerline of
 14-36 said FM 1093 to the intersection of said centerline with an interior
 14-37 West line of the City of Fulshear Extraterritorial Jurisdiction
 14-38 (all references to the limits of the City of Fulshear
 14-39 Extraterritorial Jurisdiction are as of January 1, 2013);
 14-40 THENCE, in a Southeasterly direction, along and with the West
 14-41 limits of said City of Fulshear Extraterritorial Jurisdiction to
 14-42 the intersection of said West limits with the West line of the North
 14-43 Fort Bend Water Authority;
 14-44 THENCE, Southerly and Easterly, along and with the West and South
 14-45 lines of said North Fort Bend Water Authority to the intersection of
 14-46 the South line of said North Fort Bend Water Authority with the West
 14-47 line of the City of Rosenberg Extraterritorial Jurisdiction (all
 14-48 references to the limits of the City of Rosenberg Extraterritorial
 14-49 Jurisdiction are as of January 1, 2013);
 14-50 THENCE, Southerly, along and with the Westerly limits of said City
 14-51 of Rosenberg Extraterritorial Jurisdiction to a point in the
 14-52 centerline of U.S. Highway 90A;
 14-53 THENCE, Westerly, along and with the centerline of U.S. Highway
 14-54 90A, to the intersection of said centerline with the centerline of
 14-55 the San Bernard River, same being the East line of Wharton County
 14-56 and the West line of said Fort Bend County;
 14-57 THENCE, in a general Northerly direction and upstream along and
 14-58 with the centerline of said San Bernard River, same being the East
 14-59 line of said Wharton County and the West line of said Fort Bend
 14-60 County to a point for the common West corner of said Austin County
 14-61 and said Fort Bend County;
 14-62 THENCE, Easterly and Northerly, along and with South and East lines
 14-63 of said Austin County, same being an interior North line and the
 14-64 West line of said Fort Bend County to a point in the centerline of
 14-65 said Brazos River;
 14-66 THENCE, in a general Northerly direction, upstream and along and
 14-67 with the centerline of said Brazos River, same being the East line
 14-68 of said Austin County and the West line of said Fort Bend County to
 14-69 the POINT OF BEGINNING.

Precinct 3
Description

15-1
15-2
15-3 PART 1
15-4 BEGINNING at a point in the center of the San Bernard River, same
15-5 being the East line of Wharton County and the West line of Fort bend
15-6 County for the intersection of the centerline of said San Bernard
15-7 River with the centerline of US Highway 90;
15-8 THENCE, in an Easterly Northeast direction, along and with the
15-9 centerline of said US Highway 90 to the intersection of said
15-10 centerline with a Northerly extension of the West right-of-way line
15-11 of Beasley - West End Road, same being an interior West line of the
15-12 City of Rosenberg Extraterritorial Jurisdiction (all references to
15-13 the limits of the City of Rosenberg Extraterritorial Jurisdiction
15-14 are as of January 1, 2013), same also being an interior East line of
15-15 the City of Orchard Extraterritorial Jurisdiction (all references
15-16 to the limits of the City of Orchard Extraterritorial Jurisdiction
15-17 are as of January 1, 2013);
15-18 THENCE, along and with the common line between the Extraterritorial
15-19 Jurisdiction limits of said City of Rosenberg and said City of
15-20 Orchard and along and with the Extraterritorial Jurisdiction
15-21 Boundary Agreement between said cities as established and described
15-22 in City of Orchard Ordinance No. 68-2003 the following courses;
15-23 Southerly along and with the Westerly right-of-way line of
15-24 said Beasley - West End Road to the intersection of said Westerly
15-25 right-of-way line with the Northwesterly right-of-way line of
15-26 Drachenberg Road;
15-27 Southwesterly, along and with the Northwesterly right-of-way
15-28 line of said Drachenberg Road to the intersection of said
15-29 Northwesterly right-of-way line with the Northeasterly
15-30 right-of-way line of Hopkins Road;
15-31 Northwesterly and Westerly, along and with the Northeasterly
15-32 and Northerly line of Hopkins Road to the intersection of said
15-33 Northerly right-of-way line with the East right-of-way of Engle
15-34 Road;
15-35 Southerly, along and with the East right-of-line of said
15-36 Engle Road to the intersection of said East right-of-way line with
15-37 the North right-of-way of Koym Road;
15-38 Westerly, along and with the North right-of-way line of said
15-39 Kyom Road, approximately 4,580 feet to a Northwest corner of the
15-40 limits of said City of Rosenberg Extraterritorial Jurisdiction;
15-41 THENCE, in a general Southerly, Easterly, and Northerly directions,
15-42 along and with the West and South corporate limits of the City of
15-43 Rosenberg (all references to the corporate limits of the City of
15-44 Rosenberg are as of January 1, 2013) and the limits of said City of
15-45 Rosenberg Extraterritorial Jurisdiction to the intersection of the
15-46 South limits of said City of Rosenberg with the intersection of the
15-47 centerline of State Highway No. 36;
15-48 THENCE, Southerly and Southeasterly, along and with the centerline
15-49 of said State Highway No. 36 to a point in the North line of Brazoria
15-50 County, same being the south line of said Fort Bend County;
15-51 THENCE, in a general Southwesterly direction, along and with the
15-52 North line of said Brazoria County, same being the south line of
15-53 said Fort Bend County to a point in the centerline of said San
15-54 Bernard River, same being the Easterly line of said Wharton County
15-55 for the Southwest corner of said Fort Bend County;
15-56 THENCE, in a general Northwesterly direction, upstream and along
15-57 and with the centerline of said San Bernard River, same being the
15-58 Easterly line of said Wharton County and the Westerly line of said
15-59 Fort Bend County to the POINT OF BEGINNING.
15-60 PART 2
15-61 BEGINNING at a point in the centerline of said US Highway 90, being
15-62 the intersection of said centerline with an interior West line of
15-63 the limits of said City of Rosenberg Extraterritorial Jurisdiction
15-64 and being located West Southwesterly along the centerline of said
15-65 US Highway 90 approximately 3,820 feet from the intersection of the
15-66 centerlines of said US Highway 90 and Spencer Road;
15-67 THENCE, Southerly, along and with an interior West line of the
15-68 limits said City of Rosenberg Extraterritorial Jurisdiction to a
15-69 point in the right-of-way of Randon School Road;

16-1 THENCE, Westerly, along and with an interior North line of said City
16-2 of Rosenberg Extraterritorial Jurisdiction and generally along the
16-3 Randon School Road approximately 1,900 feet to an interior corner
16-4 of the limits of said City of Rosenberg Extraterritorial
16-5 Jurisdiction;
16-6 THENCE, Northerly, along and with an interior East line of the
16-7 limits said City of Rosenberg Extraterritorial Jurisdiction to a
16-8 point in the centerline of said US Highway 90;
16-9 THENCE, East Northeasterly, along and with the centerline of said
16-10 US Highway 90 to the POINT OF BEGINNING.

16-11 PART 3

16-12 All of the corporate limits of the City of Beasley and all of that
16-13 land within the limits of the City of Beasley Extraterritorial
16-14 Jurisdiction (all references to the corporate limits of the City of
16-15 Beasley and the limits of the City of Orchard Extraterritorial
16-16 Jurisdiction are as of January 1, 2013).

16-17 Precinct 4
16-18 Description

16-19 BEGINNING at a point in the North line of Brazoria County, same
16-20 being the South line of Fort Bend County and being the intersection
16-21 of said common County line with the centerline of State Highway No.
16-22 36;

16-23 THENCE, Northwesterly and Northerly, along and with the centerline
16-24 of said State Highway No. 36 to the intersection of said centerline
16-25 with the South corporate limits of the City of Rosenberg (all
16-26 references to the corporate limits of the City of Rosenberg are as
16-27 of January 1, 2013);

16-28 THENCE, Southerly, Easterly, and Northerly along and with the
16-29 Southerly and Easterly limits of the South corporate limits of said
16-30 City of Rosenberg and the City of Rosenberg Extraterritorial
16-31 Jurisdiction (all references to the limits of the City of Rosenberg
16-32 Extraterritorial Jurisdiction are as of January 1, 2013) to the
16-33 intersection of said Easterly limits with the centerline of Farm to
16-34 Market Highway (FM) 762;

16-35 THENCE, in a general Southerly direction, along and with the
16-36 centerline of said FM 762 to the intersection of said centerline
16-37 with the centerline of FM 1462;

16-38 THENCE, Westerly and Southwesterly, along and with the centerline
16-39 of said FM 1462 to the intersection of said centerline with the
16-40 North line of said Brazoria County, same being the South line of
16-41 said Fort Bend County;

16-42 THENCE, Northwesterly, along and with the North line of said
16-43 Brazoria County, same being the South line of said Fort Bend County
16-44 to the POINT OF BEGINNING.

16-45 Precinct 5
16-46 Description

16-47 BEGINNING at a point in the North line of Brazoria County, same
16-48 being the South line of Fort Bend County and being the Southwesterly
16-49 intersection of said common County line with the centerline Farm to
16-50 Market Highway (FM) 1462 and being located approximately 250 feet
16-51 Southwesterly from the intersection of said FM 1462 with Nordt
16-52 Road;

16-53 THENCE, Northeasterly and Easterly, along and with the centerline
16-54 of said FM 1462 to the intersection of said centerline with the
16-55 centerline of FM 762;

16-56 THENCE, in a general Northerly direction, along and with the
16-57 centerline of said FM 762 to the intersection of said centerline
16-58 with the East line of the City of Rosenberg Extraterritorial
16-59 Jurisdiction (all references to the limits of the City of Rosenberg
16-60 Extraterritorial Jurisdiction are as of January 1, 2013);

16-61 THENCE, Northeasterly, Southerly, Easterly, and Northerly, along
16-62 and with the East line of said City of Rosenberg Extraterritorial
16-63 Jurisdiction and the East corporate limits of the City of Rosenberg
16-64 (all references to the corporate limits of the City of Rosenberg are
16-65 as of January 1, 2013) to the intersection of said East corporate
16-66 limits with the South line of the City of Sugar Land
16-67 Extraterritorial Jurisdiction (all references to the limits of the
16-68 City of Sugarland Extraterritorial Jurisdiction are as of January
16-69 1, 2013);

17-1 THENCE, in a general Easterly direction, along and with the South
17-2 line of said City of Sugar Land Extraterritorial Jurisdiction to
17-3 the intersection of said South line with the West line of the City
17-4 of Missouri City Extraterritorial Jurisdiction (all references to
17-5 the limits of the City of Missouri City Extraterritorial
17-6 Jurisdiction are as of January 1, 2013);

17-7 THENCE, in a general Southerly direction, along and with the West
17-8 line of said City of Missouri City Extraterritorial Jurisdiction
17-9 and the West corporate limits of the City of Missouri City (all
17-10 references to the corporate limits of the City of Missouri City are
17-11 as of January 1, 2013) to a point for the common West corner of said
17-12 City of Missouri City Extraterritorial Jurisdiction and the City of
17-13 Alvin Extraterritorial Jurisdiction (all references to the limits
17-14 of the City of Alvin Extraterritorial Jurisdiction are as of
17-15 January 1, 2013);

17-16 THENCE, in a general Southerly direction, along and with the West
17-17 line of said City of Alvin Extraterritorial Jurisdiction to a point
17-18 in the centerline of Cow Creek just upstream from its confluence
17-19 with the Brazos River, same being the North line of said Brazoria
17-20 County and the South line of said Fort Bend County;

17-21 THENCE, Westerly, Southerly, and Northwesterly along and with the
17-22 North line of said Brazoria County and the South line of said Fort
17-23 Bend County (said common County line partly being the centerline of
17-24 said Cow Creek) to POINT OF BEGINNING.

17-25 SECTION 4. (a) The legal notice of the intention to
17-26 introduce this Act, setting forth the general substance of this
17-27 Act, has been published as provided by law, and the notice and a
17-28 copy of this Act have been furnished to all persons, agencies,
17-29 officials, or entities to which they are required to be furnished
17-30 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
17-31 Government Code.

17-32 (b) The governor, one of the required recipients, has
17-33 submitted the notice and Act to the Texas Commission on
17-34 Environmental Quality.

17-35 (c) The Texas Commission on Environmental Quality has filed
17-36 its recommendations relating to this Act with the governor,
17-37 lieutenant governor, and speaker of the house of representatives
17-38 within the required time.

17-39 (d) The general law relating to consent by political
17-40 subdivisions to the creation of districts with conservation,
17-41 reclamation, and road powers and the inclusion of land in those
17-42 districts has been complied with.

17-43 (e) All requirements of the constitution and laws of this
17-44 state and the rules and procedures of the legislature with respect
17-45 to the notice, introduction, and passage of this Act have been
17-46 fulfilled and accomplished.

17-47 SECTION 5. (a) Section 8878.118, Special District Local
17-48 Laws Code, as added by Section 1 of this Act, takes effect only if
17-49 this Act receives a two-thirds vote of all the members elected to
17-50 each house.

17-51 (b) If this Act does not receive a two-thirds vote of all the
17-52 members elected to each house, Subchapter C, Chapter 8878, Special
17-53 District Local Laws Code, as added by Section 1 of this Act, is
17-54 amended by adding Section 8878.118 to read as follows:

17-55 Sec. 8878.118. NO EMINENT DOMAIN POWER. The authority may
17-56 not exercise the power of eminent domain.

17-57 (c) This section is not intended to be an expression of a
17-58 legislative interpretation of the requirements of Subsection (c),
17-59 Section 17, Article I, Texas Constitution.

17-60 SECTION 6. Except as provided by Section 5 of this Act:

17-61 (1) this Act takes effect immediately if it receives a
17-62 vote of two-thirds of all the members elected to each house, as
17-63 provided by Section 39, Article III, Texas Constitution; and

17-64 (2) if this Act does not receive the vote necessary for
17-65 immediate effect, this Act takes effect September 1, 2013.